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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES,
Plaintiffs,

v.

ROCHE DIAGNOSTICS CORPORATION
ROCHE DIAGNOSTICS OPERATIONS,
INC., and BAYER HEALTHCARE LLC,
Defendants.

AND RELATED ACTIONS

Case No. C05-3117 MJJ

**STIPULATION TO FILE CORRECTED
RESPONSIVE CLAIM-CONSTRUCTION
BRIEF AND ~~PROPOSED~~ ORDER**

Judge: The Hon. Martin J. Jenkins

1 WHEREAS, on December 20, Roche filed its responsive claim construction brief;

2 WHEREAS, subsequently, Roche discovered typographical errors of import in the brief
3 that required correction, specifically:

4 Page 2, line 25: change Ex. 7 to Ex. 6;

5 Page 3, line 20: change "conductive material 22 and 23" to "conductive material 13-15";
6 and

7 capitalization changes in the Table of Contents and minor spelling corrections (page 2,
8 line 23: change "inventions" to "invention" and page 23, line 22: change "adapt" to "adopt").

9 WHEREAS, Roche's counsel identified the corrections to Abbott's counsel, who agreed
10 to stipulate to Roche's filing a corrected brief.

11 THEREFORE, both Abbott Labs and Roche request that the Court permit Roche to file a
12 corrected responsive claim-construction brief.

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14 Dated: January 4, 2007

Respectfully submitted,

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KEKER & VAN NEST, LLP

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By: /s/ Ashok Ramani

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Attorneys For Defendants and
Counterclaimants ROCHE
DIAGNOSTICS CORPORATION and
ROCHE DIAGNOSTICS OPERATIONS

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20 Dated: January 4, 2007

Respectfully submitted,

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BAKER BOTTS LLP

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By: Shannon Hutcheson/by (RP)
Attorneys For Plaintiffs and Counterclaim
Defendants ABBOTT DIABETES CARE,
INC. AND ABBOTT LABORATORIES

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/5/2007

By: 
THE HON. MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE